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U.S. DISTRICT COURT, E.D.N.Y.

★ MAR 28 2006 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MANUEL LOPEZ,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

JUDGMENT
04-CV- 4191 (DGT)

Defendant.
-----X

A Memorandum and Order of Honorable David G. Trager, United States District Judge, having been filed on March 23, 2006, remanding the matter to the Commissioner for the sole purpose of considering testimony from a vocational expert who will determine what jobs claimant is capable of doing in the national economy, pursuant to the fourth sentence of 42 U.S.C. § 405(g); and directing that the vocational expert will take into account the Administrative Law Judge's findings concerning claimant's physical condition and capabilities and also specifically consider claimant's nonexertional limitations in accordance with the Second Circuit's holding in Bapp v. Bowen, 802 F. 2d 601 (2d Cir. 1986); it is

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ORDERED and ADJUDGED that the matter is remanded to the Commissioner for the sole purpose of considering testimony from a vocational expert who will determine what jobs claimant is capable of doing in the national economy, pursuant to the fourth sentence of 42 U.S.C. § 405(g); and that the vocational expert will take into account the Administrative Law Judge's findings concerning claimant's physical condition and capabilities and also specifically consider claimant's nonexertional limitations in accordance with the Second Circuit's holding in Bapp v. Bowen, 802 F. 2d 601(2d Cir. 1986).

Dated: Brooklyn, New York
March 24, 2006

s/Robert C. Heinemann
ROBERT C. HEINEMANN
Clerk of Court